

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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GUADALUPE BETANCOURT,

Plaintiff,

v.

Case No. 1:11-CV-977

NRPV, INC. and NAVIN PATEL,

HON. GORDON J. QUIST

Defendants.

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**ORDER AND DEFAULT JUDGMENT**

In accordance with the Opinion filed today,

**IT IS HEREBY ORDERED** that Plaintiff's Motion For Entry Of Judgment After Default (docket no. 17) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** with regard to Defendant NRPV Inc. but **denied** with regard to Defendant Navin Patel.

**IT IS FURTHER ORDERED** that Judgment by default pursuant Fed. R. Civ. P. 55(b) is entered in favor of Plaintiff and against NRPV Inc. Plaintiff is awarded the following relief:

1. Plaintiff shall recover from Defendant a total of \$9,974.62, consisting of \$7,836.50 in attorney fees, \$438.12 in costs, and \$1,700.00 in expert witness fees.
2. Within **thirty (30) days** of the date of this Order and Default Judgment, Defendant NRPV Inc. shall commence removal of the architectural barriers on the property operated as America's Best Value Inn (Property) located at 680 East 24th Street, Holland, Michigan, as identified in the attached Exhibit A. Defendant NRPV Inc. shall complete all such work within **ninety (90) days** of the date of this Order and Default Judgment. Plaintiff may apply for additional relief, as needed, to enforce the relief granted herein.

Dated: November 15, 2012

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE

***A.D.A. COMPLIANCE TEAM, INC.***  
***169 NW 44<sup>th</sup> Street, Ste. #34***  
***Ft. Lauderdale, FL 33309***

EXHIBIT A

July 12, 2011

Pete Monismith  
Attorney At Law  
3945 Forbes Ave., #175  
Pittsburgh, PA 15213

Re: America's Best Value Inn  
680 East 24<sup>th</sup> Street  
Holland, MI

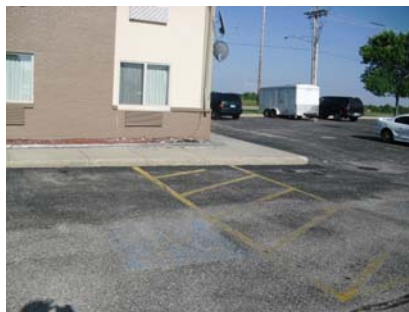
Our File # 1177-MI

Dear Mr. Monismith:

As per your request, here is an investigative report on Americans with Disabilities Act violations for the above referenced property. The report shall list the Code of Federal Regulations 28 (CFR) part 36 ADA Standards for Accessible Design ("ADAAG") violations. The violations indicate architectural barriers encountered by the individual plaintiff Guadalupe Betancourt. This document ("ADAAG") sets guidelines for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. These guidelines are to be applied to the extent required by regulations issued by Federal agencies, including the Department of Justice, under the Americans with Disabilities Act of 1990.

**Parking**

1. One of the designated accessible parking spaces does not have a sign, in violation of Section 4.6.4 of the ADAAG.



2. There is no accessible route from the parking areas to the facility due to a 4" change of level at the sidewalk, in violation of Sections 4.3.2, 4.6.2 and 4.6.3 of the ADAAG.



### **Entrance Access and Path of Travel**

1. There are changes in levels of greater than ½ inch on the accessible route, violating Section 4.3.8 and 4.5.2 of the ADAAG.



2. There are stairs provided at the facility that do not comply with the standards prescribed in Section 4.9 of the ADAAG.



## **Access to Goods and Services**

1. There are counters throughout the facility in excess of 36", in violation of Section 7.2(1) of the ADAAG.



## **Accessible Guest Rooms**

1. There are rooms for public lodging at the facility without the required disabled use elements, in violation of several Sections of the ADAAG.
2. The rooms designated for disabled use do not provide a roll-in shower for use by the disabled, violating Section 9 of the ADAAG.

The American's with Disability Act of 1990 prohibits discrimination on the basis of disability by public accommodations and commercial facilities to be signed, constructed and altered in compliance with the Accessibility Standards established in the Act. This facility does not meet with all of these standards.

A more detailed report should be completed after an appointment with the property owner or management. There may be other violations of the Americans with Disabilities Act that may be revealed following this inspection.

This report and its contents are the work of ADA Compliance Team, Inc. This report should only be duplicated or distributed in its entirety. This report may contain confidential or court protected information; please contact an authorized entity prior to distributing. Conclusions reached and opinions offered in this report are based upon the data and information available to ADA Compliance Team, Inc. at the time of this report, and may be subject to revision as additional information or data becomes available after the date of publication.